

# **EXHIBIT 1**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
DANVILLE DIVISION**

**KAREN MARIE FOSTER,**

**Plaintiff,**

**v.**

**Civil Action No. 4:24-cv-00051-TTC-CKM**

**DIGITAL SAFETY PRODUCTS, LLC,**

**Defendant.**

**DECLARATION IN SUPPORT OF PLAINTIFF’S REQUEST  
FOR ENTRY OF DEFAULT AGAINST DEFENDANT**

I, Susan M. Rotkis, declare under penalty of perjury that the following facts are true and correct to the best of my knowledge, information, and belief:

1. I prepared and am filing this Declaration in support of Plaintiff Karen Marie Foster’s (“Plaintiff”) Application for Entry of Default against Defendant Digital Safety Products, LLC (“Defendant”).

2. I am an attorney licensed to practice law in Virginia since 1996.

3. I am admitted to the bar of this court.

4. I am the attorney of record for Plaintiff.

5. I have personal knowledge of the facts stated herein and would so testify if called upon to do so in court.

6. On December 18, 2024, Plaintiff filed her Complaint and Demand for Jury Trial against Defendant based on Defendant’s violations of the Fair Credit Reporting Act, 15 U.S.C. §§ 1681, *et seq.* (“FCRA”), or in the alternative, violation of certain Virginia claims for Defamation

per se, intentional infliction of emotional distress, or negligent infliction of emotional distress.  
ECF 1.

7. On December 27, 2024, Defendant was personally served with Plaintiff's Summons and Complaint at its registered agent California Corporate Agents, Inc., 2108 N. N. St., Suite. C, Sacramento, CA, 95816, as provided by the California Secretary of State. ECF 3.

8. Defendant must have appeared or otherwise responded to Plaintiff's Complaint on or before January 17, 2025, pursuant to Fed. R. Civ. P. 12(a)(1)(A)(i).

9. The time to plead or otherwise respond to Plaintiff's Complaint has not been extended by any agreement of the Parties or by any order of the Court.

10. Defendant has failed to serve or file a pleading or otherwise respond to Plaintiff's Complaint.

11. The applicable time limit for responding to Plaintiff's Complaint has expired.

12. Defendant is not a minor or an incompetent person.

13. Defendant is not currently in the military service and therefore the Servicemembers Civil Relief Act does not apply.

I declare under penalty of perjury under the laws of the United States and the State of Arizona that the foregoing is true and correct. This Declaration is executed on January 20, 2025, in Tucson, Arizona.

/s/  
Susan M. Rotkis, VSB 40693  
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